

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>TERESA SMART o/b/o K.A.R.,</b>	)	CASE NO. 1:21-CV-00099-CEF
	)	
Plaintiff,	)	JUDGE CHARLES E. FLEMING
	)	
vs.	)	MAGISTRATE JUDGE
	)	DARRELL A. CLAY
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	<b>OPINION AND ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION</b>
Defendant.	)	

On January 14, 2021, Plaintiff Teresa Smart, filing on behalf of minor Plaintiff K.A.R., filed a Complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny her period of disability and supplemental security income applications (Doc. 1). On April 19, 2022, Magistrate Judge Darrell A. Clay recommended that the Court REVERSE the Commissioner's final decision and REMAND this matter for further proceedings (Doc. 14).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a report and recommendation within fourteen (14) days after service. On May 3, 2022, the Government filed a Response (Doc. 15), indicating that it will not object to the Magistrate Judge's Report and Recommended Decision. No objection has been filed by Plaintiff.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the Report and Recommendation to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a Report and Recommendation without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Clay's Report and Recommendation, incorporating it fully herein by reference, **REVERSES** the Commissioner's final decision, and **REMANDS** this case to the Administrative Law Judge for further proceedings.

**IT IS SO ORDERED.**

Date: May 23, 2022



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**CHARLES E. FLEMING**  
**UNITED STATES DISTRICT JUDGE**